

REMARKS

Claims 1-27 are pending. Claims 1 has been amended.

Claim Objections

The Patent Office objected to claim 1 and dependent claims of claim 1 for informalities.

Claim 1 has been amended.

Claim Rejections – 35 U.S.C. §112

The Patent Office rejected claim 3 under 35 U.S.C. §112, first paragraph, for failing to comply with the written description requirement.

Applicant respectfully traverses the rejection. A Fibre Channel loop switch is shown and described in element 90 of FIG. 1. The specification has also been amended.

Claim Rejections – 35 U.S.C. §103

The Patent Office rejected claims 1-2, 4, 8-9 under 35 U.S.C. §103(a) as being unpatentable over Hosoya, U.S. Publication 2004/0139365 (Hosoya) in view of Cruyningen, U.S. Publication 2002/0019897 (Cruyningen).

The Patent Office rejected claims 5-7 under 35 U.S.C. §103(a) as being unpatentable over Hosoya, U.S. Publication 2004/0139365 (Hosoya) in view of Cruyningen, U.S. Publication 2002/0019897 (Cruyningen) and further in view of Deng, U.S. Patent 6,937,608 (Deng).

The Patent Office rejected claims 10-12 and 15-21 under 35 U.S.C. §103(a) as being unpatentable over Hosoya, U.S. Publication 2004/0139365 (Hosoya) in view of Cruyningen, U.S. Publication 2002/0019897 (Cruyningen) and further in view of Workman et al., U.S. Publication 2004/0068591 (Workman).

The Patent Office rejected claims 13-14 and 22-27 under 35 U.S.C. §103(a) as being unpatentable over Hosoya, U.S. Publication 2004/0139365 (Hosoya) in view of Cruyningen, U.S. Publication 2002/0019897 (Cruyningen) in view of Workman et al., U.S. Publication 2004/0068591 (Workman) and further in view of Jantz, U.S. Patent 5,944,838 (Jantz).


Applicant respectfully traverses each rejection. Applicant respectfully submits that a *prima facie* case of obviousness is not proper as Hosoya is not valid as prior art under 35 U.S.C. § 103(a). Please refer to the submission of a Rule 1.131 affidavit submitted by the inventor. The inventor conceived the invention at a date prior to July 23, 2003 coupled with diligence in completing the invention until filing of the patent application on July 29, 2003. The affidavit includes an Invention Disclosure, (Exhibit A), which the inventor signed. Since Hosoya is not a prior art reference, a *prima facie* case of obviousness has not been established and all claims should be allowed.

CONCLUSION

In light of the forgoing, reconsideration and allowance of the claims is earnestly solicited.

Respectfully submitted,
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